

ANN G. GRIMALDI (California Bar No. 160893)
ERIC S. C. LINDSTROM (California Bar No. 197063)
MCKENNA LONG & ALDRIDGE LLP
101 California Street
41st Floor
San Francisco, CA 94111
Telephone: (415) 267-4000
Facsimile: (415) 267-4198

Attorneys for Plaintiff
ADECCO USA, INC.

FILED

OCT 28 2005

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ADECCO USA, INC.,

Plaintiff,

v.

JAMES F. ZIPPERER III,

Defendant.

CASE NO.: C – 05 – 80196 MISC CRB

DATE: October 7, 2005

TIME: 10:00 a.m.

JUDGE: Hon. Charles R. Breyer

DEPT.: Courtroom 8, 19th Floor

**[PROPOSED] ORDER GRANTING
ADECCO USA, INC.'S MOTION FOR
ENTRY OF JUDGMENT ON
ARBITRATOR'S AWARD**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

The Motion for Entry of Judgment on Arbitrator's Award by Plaintiff Adecco USA, Inc. (hereinafter referred to as "Adecco") against James F. Zipperer III (hereinafter referred to as "Mr. Zipperer") came on regularly for hearing on October 28, 2005 before this Court, the Honorable Charles R. Breyer presiding. Counsel from McKenna Long & Aldridge LLP appeared on behalf of Adecco; Mr. Zipperer failed to appear.

1 After review of all papers submitted, the Court heard oral argument and rendered its ruling
 2 Granting Adecco's Motion for Entry of Judgment on Arbitrator's Award. Therefore,

3 IT IS HEREBY ORDERED that the arbitration award issued in favor of Adecco and
 4 against Mr. Zipperer on May 20, 2005, as clarified on July 7, 2005, in American Arbitration
 5 Association, Case No. 74 114 Y 00750 04 LMT, in the amount of \$545,194.39, be confirmed and
 6 entered as a Final Judgment of this Court pursuant to 9 U.S.C. § 9.

7 IT IS FURTHER ORDERED that, pursuant to California Civil Code § 3289(b) and the
 8 award of the arbitrator, prejudgment interest in the amount of \$13,144.38 from July 7, 2005,
 9 through October 3, 2005, at which time Zipperer made a payment of \$100,000.00. Accordingly,
 10 interest on the remaining principal balance of \$445,194.39 shall accrue at the rate of \$121.97 per
 11 day from October 3, 2005, through the entry of judgment, and all interest (\$13,144.38 plus the per
 12 diem) shall be added to the principal amount of the JUDGMENT. From the date of entry of
 13 JUDGMENT through the date of collection, interest shall accrue at an annual rate equal to the
 14 prime rate as published by the Board of Governors of the Federal Reserve System in statistical
 15 release H.15, or any publication that may supersede it, on the day this judgment is entered ~~plus 3~~
 16 ^{CRB} percent. The Clerk is directed to enter a JUDGMENT in accordance with this ORDER.

17 **IT IS SO ORDERED.**

18
 19 Dated: October 28, 2005

20 
 21 THE HONORABLE CHARLES R. BREYER
 22 UNITED STATES DISTRICT COURT JUDGE
 23 NORTHERN DISTRICT OF CALIFORNIA
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

Adecco USA, Inc.,

Plaintiff,

v.

Zipperer,

Defendant.

Case Number: CV05-80196 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 28, 2005, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Samantha M. Rein
McKenna Long & Aldridge
303 Peachtree Street
Suite 5300
Atlanta, GA 30308

Eric Lindstrom
McKenna Long & Aldridge LLP
101 California Street 41st Floor
San Francisco, CA 94111

Dated: October 28, 2005

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk